

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

BILLIE RODRIGUEZ, DANIEL ERWIN,
MICHAEL B. ACKERMAN, and KYLE
FOREMAN, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

Case No. 4:24-cv-00803-SRB

EXXON MOBIL CORPORATION,
CHEVRON USA, INC., CHEVRON
PHILLIPS CHEMICAL CORPORATION,
DUPONT de NEMOURS, CELANESE
CORPORATION, DOW INC., DOW
CHEMICAL COMPANY, EASTMAN
CHEMICAL COMPANY,
LYONDELLBASELL INDUSTRIES N.V.,
AND AMERICAN CHEMISTRY COUNCIL,

Defendants.

**CONSENT MOTION TO EXTEND DEFENDANT CHEVRON U.S.A. INC.'S
TIME TO ANSWER, RESPOND OR OTHERWISE PLEAD TO
PLAINTIFFS' COMPLAINT AND SUGGESTIONS IN SUPPORT**

COMES NOW Defendant Chevron U.S.A. Inc. ("Chevron U.S.A.")¹ by and through counsel and moves that the Court enter an Order extending for 20 days Chevron U.S.A.'s deadline to answer, respond by motion, or otherwise plead to Plaintiffs' complaint up to and including

¹ Chevron U.S.A. does not submit to the personal jurisdiction of this Court and expressly reserves its right to raise such a defense in a separate motion brought under Rule 12(b)(2) of the Federal Rules of Civil Procedure. *See, e.g., Subway Intern. B.V. v. Cere*, 2011 WL 3511462, at *3 (D. Conn. Aug. 11, 2011) (holding that a defendant did "not waive[] the defense" that the court lacks personal jurisdiction "by filing motions that raise separate issues.").

February 10, 2025. As discussed in the Suggestions in Support of this motion, Plaintiffs' counsel consents to the relief Chevron U.S.A. seeks.

The Suggestions in Support of this Motion are incorporated by this reference and set forth below.

SUGGESTIONS IN SUPPORT

In support of this motion, Chevron U.S.A. states as follows:

1. Counsel for Plaintiffs and Chevron U.S.A. conferred regarding the relief requested herein. In a telephone conversation on January 15, 2025, Joshua Dick, counsel for Chevron U.S.A., spoke with Rex Sharp, counsel for Plaintiffs, and discussed Chevron U.S.A.'s request to extend by 20 days Chevron U.S.A.'s responsive pleading deadline up to and including February 10, 2025, and Plaintiffs, through counsel, agreed to such relief.

2. As of the date of this filing, Chevron U.S.A.'s time to answer, respond, or otherwise plead to Plaintiffs' complaint has not expired.

3. Plaintiffs served Chevron U.S.A. with the complaint on December 30, 2024. Chevron U.S.A.'s current deadline to answer, respond, or otherwise plead to Plaintiffs' complaint is January 21, 2025. The consented 20-day extension would extend Chevron U.S.A.'s response date to Monday, February 10, 2025.

4. Plaintiffs' 92-page complaint contains 45 counts, alleges two nationwide putative classes and 35 putative state classes, and implicates at least 45 different legal theories. Given the complexity of the claims here, and due to the timing of service before the New Year holiday, Chevron U.S.A. requests additional time to prepare its response to Plaintiffs' Complaint.

5. During the proposed extension period and after all Defendants are served and appear, the Parties may coordinate joint briefing, response dates, and briefing schedules.

6. Chevron U.S.A. does not bring this motion to cause undue delay. Rather, Chevron U.S.A. seeks in good faith to extend its responsive pleading deadline where the timing of service over the holidays and the complexity of Plaintiffs' claims have impacted Chevron U.S.A.'s time to prepare its response.

WHEREFORE, the Parties respectfully pray that the Court enter an Order granting the relief Chevron U.S.A. requests in this motion, to wit:

1. Extending Chevron U.S.A.'s time to answer, respond, or otherwise plead to Plaintiffs' complaint, for a period of twenty (20) days up to and including February 10, 2025.

Dated: January 16, 2025

Respectfully submitted,

BERKOWITZ OLIVER LLP

By: /s/ Thomas P. Schult

Thomas P. Schult, MO Bar # 29986
Lauren Tallent, MO Bar # 72304
Courtney A. Kroeger, MO Bar # 77213
2600 Grand Boulevard, Suite 1200
Kansas City, Missouri 64108
Telephone: (816) 561-7007
Facsimile: (816) 561-1888
tschult@berkowitzoliver.com
ltallent@berkowitzoliver.com
ckroeger@berkowitzoliver.com

Joshua D. Dick (Petition for Admission *pro hac*
vice forthcoming)

GIBSON, DUNN & CRUTCHER LLP

One Embarcadero Center, Suite 2600
San Francisco, California 94111
Telephone: (415) 393-8200
jdick@gibsondunn.com

Theodore J. Boutrous Jr. (Petition for Admission *pro hac vice* forthcoming)
Christopher D. Dusseault (Petition for Admission *pro hac vice* forthcoming)
Perlette Michèle Jura (Petition for Admission *pro hac vice* forthcoming)
Bradley J. Hamburger (Petition for Admission *pro hac vice* forthcoming)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, California 90071
Telephone: (213) 229-7000
tboutrous@gibsondunn.com
cdusseault@gibsondunn.com
pjura@gibsondunn.com
bhamburger@gibsondunn.com

**ATTORNEYS FOR DEFENDANT
CHEVRON U.S.A. INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 16, 2025, I electronically filed the above and foregoing document via the Court's CM/ECF system, which will send notification of said filing to all counsel of record.

/s/ Thomas P. Schult

**ATTORNEY FOR DEFENDANT
CHEVRON U.S.A. INC.**